

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

**DOCKET NUMBER
05 11011-MLW**

MARJORIE HYPPOLITE,

PLAINTIFF *

*

*

V. *

ELECTRONIC DATA SYSTEMS *

CORPORATION *

DEFENDANT *

*

*

AFFIDAVIT OF DAVID GREEN

My name is David Green, I represent the Plaintiff, Marjorie Hyppolite. I hereby aver as follows:

1. I am the attorney of record for the Plaintiff, Marjorie Hyppolite.
2. I had a Federal trial, Chen v. Panda Express, Docket No: 03-12233 NG, which lasted for approximately one week.
3. I spent a significant amount of time preparing and trying the Chen case.
4. Defense counsel indicated that they needed the document responses prior to Plaintiff's deposition.
5. The documents responses were produced prior to Plaintiff's deposition.
6. Plaintiff indicated that she would attempt to locate the requested documents.
7. Upon receipt of the documents, I forwarded a copy of the documents to Defendant's counsel.
8. Although Defendant's counsel acknowledged receipt of these documents, they refused to withdraw the part of the motion seeking costs for preparing the motion.
9. Such refusal is unwarranted and unnecessary.

Signed under the pains and penalties of perjury on this 4th day of January, 2006.

By Plaintiff's Attorney,



David Green, Esquire
ALFORD & BERTRAND LLC
60 Arsenal Street
P.O. Box 322
Watertown, Massachusetts 02471-0322
(617) 926-8800

CERTIFICATE OF SERVICE

I, David Green, Esquire, certify that a copy of the foregoing has been served upon Defendant listed below by facsimile, this 4th day of January, 2006.

Kelly King, Esq.
Baker & Hostetler
3200 National City Center
1900 East Ninth Street
Cleveland, OH 44114-3485
(216) 696-0740


DAVID GREEN, ESQUIRE